IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

Crl.Rev.Pet.No. 417 of 2001()

CC.134/1996 of JUDL.MAGISTRATE OF FIRST CLASS-II, THAMARASSERY
CRA.277/1997 of SESSIONS COURT, KOZHIKODE

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REVN. PETITIONER:

RAJENDRAN, S/O.SEKHARAN,
EDATHUVEETTIL HOUSE,
POOVARANTHODU,
KOODARANJHI.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.R.JAYAKRISHNAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.1962/2001 IN CRL.R.P.NO.417/2001

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

30/10/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.417 of 2001

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Dated this the 30th day of October, 2007

O R D E R

The revision petitioner is the accused in C.C.No.134/1996 who stands convicted for the offence under Section 58 of the Abkari Act and sentenced as modified by the appellate court to imprisonment for one month and to pay a fine of Rs.1,000/- and in default to undergo further imprisonment for 15 days.

2. The prosecution case is that on 29/07/1995 at about 2.45 p.m at Koodaranhi in the public road the accused was found carrying a plastic container containing two litres of illicit arrack.

3. The counsel for the revision petitioner has only sought for modification of the sentence pointing out that the incident is dated more than 12 years back and that the accused has been facing proceedings till this date and that the quantity involved was only two litres. The maximum sentence provided by the Statute at that time was only imprisonment upto six months and to a fine upto Rs.3,000/-. In the circumstances, considering the long lapse of time, I find that it would not be appropriate to sentence the accused to undergo

imprisonment. Hence, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.3,000/- and in default to undergo simple imprisonment for one month. The revision petitioner shall appear before the Judicial Magistrate of the First Class-II, Thamassery, on 30/11/2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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